

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JAMES MCGIBNEY, et al.,  
Plaintiffs,  
v.  
THOMAS RETZLAFF,  
Defendant.

Case No. [14-cv-01059-BLF](#)

**ORDER STRIKING DOCUMENTS**

[Re: ECF 154, 155, 156, 157, 158, 159, 161,  
162]

The Statements of Recent Decision pursuant to Civil Local Rule 7-3(d)(2) filed by *pro se* defendant Thomas Retzlaff on March 1 (ECF 154), March 18 (ECF 157), March 25 (ECF 159), and April 12, 2015 (ECF 161) are STRICKEN. Civil Local Rule 7-3(d)(2) provides that:

Before the noticed hearing date, counsel may bring to the Court's attention a *relevant* judicial opinion published after the date the opposition or reply was filed by filing and serving a Statement of Recent Decision, containing a citation and providing a copy of the new opinion—*without argument*.

(emphasis added). Defendant's filings contain improper argument and are accordingly stricken.<sup>1</sup> The uninvited additional argument at ECF 155, 156, and 162 based upon Defendant's stricken non-compliant statements of recent decision are also STRICKEN.<sup>2</sup> Because Defendant's various motions to dismiss and strike are under submission, the Court will accept no further "statements of recent decision," "declarations," or other evidence in connection with the submitted motions without first obtaining leave of court upon a showing of good cause.


<sup>1</sup> The Court will consider the court opinion—but not Defendant's argument—that Defendant submitted in his February 20, 2015 Statement of Recent Decision, ECF 153, to the extent it is relevant to the issues before the Court.

<sup>2</sup> Defendant's administrative motion to strike Plaintiffs' declaration at ECF 162 is DENIED as moot. *See* ECF 163.

1 Defendant's March 19, 2015 Administrative Motion Notifying Court of Federal Rule of  
2 Civil Procedure 4(m) Deadline Violation, ECF 158, is also STRICKEN. Defendant Retzlaff is the  
3 only remaining named defendant in this lawsuit, and he has been served. Defendant does not have  
4 standing to invoke Rule 4(m) on behalf of any other potential defendant.

5 **IT IS SO ORDERED.**

6 Dated: April 15, 2015

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8 BETH LABSON FREEMAN  
9 United States District Judge  
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